

EXHIBIT P-1

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE, )  
)  
)  
vs. ) Crim. Id. No.  
) 0305016966  
JIMMY LEWIS, )  
)  
Defendant. ) October 21, 2003

BEFORE:

THE HONORABLE PEGGY L. ABLEMAN

APPEARANCES:

BRIAN JAMES ROBERTSON, ESQ.  
Deputy Attorney General  
For the State

JOHN S. EDINGER, JR., ESQ.  
Assistant Public Defender  
For Defendant

TRANSCRIPT OF TRIAL PROCEEDINGS

October 21, 2003  
Courtroom No. 4E  
11:45 a.m.

PRESENT:

As noted.

(Jury selection reported, but not  
transcribed.)

THE COURT: All right, ladies and gentlemen,  
it's 20 of 1, which is a good time for to us break  
for lunch before we start the trial, so I'm going to  
ask, please, if you return back -- the bailiff will  
show you where the jury room is behind the courtroom.

If you'll report back here, please, promptly  
at 2 o'clock, we'll be able to swear you in at that  
time and begin the evidence in this case.

Also, if any one of you is late, then  
everybody else has to wait, so please try to be on  
time.

Thank you.

(Jury left the courtroom.)

THE COURT: Mr. Lewis.

THE DEFENDANT: Yes, ma'am.

I have discrepancies with the indictment and

I N D E X

Opening by the State Page 33  
Opening by the Defense Page 38  
STATE'S DIRECT CROSS REDIRECT REGROSS  
WITNESSES 41 77 92, 98 96  
Patrick Geer

I didn't know who the deputy attorney was. I  
couldn't understand the penmanship. I didn't  
understand who the foreperson was and I didn't see a  
date and I wanted to be informed of that.

THE COURT: I don't understand what you're  
saying.

THE DEFENDANT: My indictment. The  
indictment.

THE COURT: You don't have a copy of the  
indictment from your attorney?

MR. EDINGER: He's been provided with copies  
of it.

THE DEFENDANT: What I'm saying, I couldn't  
understand.

THE COURT: Well, you don't have --

THE DEFENDANT: It wasn't legible.

THE COURT: Some people, that's how they  
sign their name.

THE DEFENDANT: Who are these people? Are  
these people who provided testimony against me?

THE COURT: They're not going to testify  
against you. That was a grand jury that indicted you  
and it has nothing to do with this proceeding other

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<p>1 than they have issued the indictment that will form 2 the basis for this prosecution. They're not part of 3 this jury. 4 THE DEFENDANT: So I need not know who the 5 people are who indicted me? 6 THE COURT: No, you do not indeed. 7 THE DEFENDANT: Also, I have a matter 8 about -- I sent in a motion for suppression. I had 9 wanted it to be addressed, for my attorney to submit. 10 THE COURT: You're represented by your 11 attorney and anything you file is not 12 considered -- you can't do it both ways. You have a 13 lawyer or you go pro se. It's one or the other. 14 THE DEFENDANT: I'm going to learn the law. 15 THE COURT: So if you did file a motion to 16 suppress, we don't have it nor would we consider it 17 because Mr. Edinger represents you. If he felt there 18 was a need to file a motion to suppress, that would 19 have been his responsibility. 20 You can't have it both ways. You either go 21 with an attorney or you go pro se. 22 If you're going to be pro se, then you can 23 file things. If you're going to be represented by an</p>	5	<p>1 THE DEFENDANT: It's not suppressing the 2 indictment. I just wanted to have disclosure about 3 the indictment. 4 THE COURT: You can't. Grand jury 5 proceedings are secret. That's the law. 6 THE DEFENDANT: I also wanted to know who it 7 was. 8 THE COURT: They're secret. 9 THE DEFENDANT: I understand that, but in 10 reference to the suppression, you asked me specific 11 questions. I can't be specific because I don't have 12 it in front of me. If you give me a minute? 13 THE COURT: All right. 14 MR. EDINGER: Is this it? 15 THE DEFENDANT: Ground one on the 16 out-of-court identification violated the defendant's 17 due process clause to the United States Constitution 18 as it was unduly reliable as well as suggestive. 19 THE COURT: Well, that's not been presented, 20 so it's not going to be heard. 21 THE DEFENDANT: But these are the things I 22 presented to my attorney in advance. 23 THE COURT: He's the lawyer and he</p>	7
<p>1 attorney, you cannot. 2 THE DEFENDANT: Okay. I understand. 3 THE COURT: What is it you're trying to 4 suppress? Do you even know what that means? 5 THE DEFENDANT: Yes. I want it to be 6 suppressed, because I feel as though the legal 7 grounds, the evidence that was being presented 8 shouldn't have been presented. 9 THE COURT: We haven't even gotten to the 10 presentation yet or the trial hasn't even started. 11 THE DEFENDANT: Well, as far as in reference 12 to me being indicted and the proceedings that took 13 forth. 14 THE COURT: Well, you can't suppress an 15 indictment. 16 THE DEFENDANT: Can I show you what I was 17 speaking of? 18 THE COURT: Well, I'm not going to consider 19 it today because it's not properly filed and it 20 hasn't been filed in time and I'm not going to take 21 it up right now, but if you're seeking to suppress 22 the indictment, your motion is denied or your request 23 is denied.</p>	6	<p>1 knows -- it's his judgment. He's the attorney. He 2 knows whether or not there's any grounds for that. 3 THE DEFENDANT: I'm the one standing for 4 trial. 5 THE COURT: Sir, when you go to an emergency 6 room when you have a broken leg, do you fix it 7 yourself and put a cast on -- excuse me, let me 8 finish -- or do you rely upon the doctor or the 9 orthopedic surgeon to do it for you? 10 THE DEFENDANT: I have to tell the doctor or 11 orthopedic surgeon what is wrong with me. If I can't 12 tell the doctor or orthopedic surgeon what it is 13 wrong, they can't properly prepare to treat me. 14 THE COURT: You have two choices, sir, and 15 we're not going to act like this when the jury comes 16 in. 17 Once they come into this courtroom, there's 18 going to be no interruptions, do you understand that? 19 You have two choices. You either go on your 20 own and you represent yourself which I strenuously -- 21 probably won't let you or allow Mr. Edinger to make 22 the decisions whether or not he should file motions 23 and argue certain defenses. He went to law school.</p>	8

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<p>9</p> <p>1 He's an experienced defense attorney. You're not.</p> <p>2 THE DEFENDANT: I never said I was. I could</p> <p>3 understand and comprehend the law to tell him.</p> <p>4 THE COURT: A little knowledge is sometimes</p> <p>5 a dangerous thing.</p> <p>6 THE DEFENDANT: No knowledge is even</p> <p>7 dangerous.</p> <p>8 THE COURT: I think you should be relying</p> <p>9 upon him, but I'm going to give you your choice right</p> <p>10 now.</p> <p>11 You either go by yourself or you allow him</p> <p>12 to represent you, and if he's representing you, then</p> <p>13 you cannot complain about the decisions he's making</p> <p>14 during the course of this trial.</p> <p>15 THE DEFENDANT: In going by myself, would I</p> <p>16 be able to present my motions I'm presenting and my</p> <p>17 motion to present my Rule 16?</p> <p>18 THE COURT: No. No. No, because this is</p> <p>19 the time of trial. Those motions have not been</p> <p>20 presented prior to trial. There's no way you can</p> <p>21 present them now. If they don't get presented before</p> <p>22 trial, you've waived your right to present them.</p> <p>23 THE DEFENDANT: I never waived any rights.</p>	<p>11</p> <p>1 THE DEFENDANT: Because I understand that</p> <p>2 there's motions and things that should have been --</p> <p>3 THE COURT: The motions are not going to be</p> <p>4 heard whether you represent yourself or not.</p> <p>5 THE DEFENDANT: There's no way I can have my</p> <p>6 grounds presented?</p> <p>7 THE COURT: No way. No way.</p> <p>8 THE DEFENDANT: I'll just be railroaded.</p> <p>9 THE COURT: Sir, I'm not calling it that</p> <p>10 because your lawyer is experienced and knows what to</p> <p>11 do.</p> <p>12 THE DEFENDANT: In the interest of justice,</p> <p>13 you know what I'm saying, under the Constitution, you</p> <p>14 know, under the United States Constitution, the</p> <p>15 Fourth, Fifth, Sixth, and Eighteenth Amendment, I</p> <p>16 think I have a right.</p> <p>17 THE COURT: No, you don't. No, you don't.</p> <p>18 No, you don't.</p> <p>19 THE DEFENDANT: I mean I want to understand.</p> <p>20 THE COURT: He had -- Mr. Lewis, you're not</p> <p>21 listening.</p> <p>22 THE DEFENDANT: I want to understand why</p> <p>23 I've presented all this information.</p>
<p>10</p> <p>1 I never did this. Not voluntarily.</p> <p>2 THE COURT: That's the law. If you don't</p> <p>3 present them in advance of trial, the law presumes</p> <p>4 you waive them. Whether you waived it or not, you</p> <p>5 haven't presented them in a timely fashion. They</p> <p>6 will not be considered today.</p> <p>7 Now, we're ready to start the trial.</p> <p>8 THE DEFENDANT: I need to represent myself</p> <p>9 then.</p> <p>10 THE COURT: All right. Well, I have to go</p> <p>11 through a colloquy with you and let me tell you</p> <p>12 something else, sir. If you do represent -- I'm not</p> <p>13 even sure I'm going to allow you to, but if you do,</p> <p>14 any disruptions in this case, I'm not going to allow</p> <p>15 you to do that, because the first thing I did when I</p> <p>16 walked in here was hear you interrupt this</p> <p>17 proceeding. And that's not the way we practice law</p> <p>18 and how we conduct our trials in this court. Do you</p> <p>19 understand that?</p> <p>20 THE DEFENDANT: I understand.</p> <p>21 THE COURT: All right.</p> <p>22 Why do you believe you're capable of</p> <p>23 representing yourself?</p>	<p>12</p> <p>1 THE COURT: You're not listening.</p> <p>2 THE DEFENDANT: You're not letting me to</p> <p>3 speak.</p> <p>4 THE COURT: You're not listening. I want</p> <p>5 you to listen to me. Mr. Edinger knows what to file</p> <p>6 and what not to file. That's why he represents you.</p> <p>7 And if you presented these to him and he didn't think</p> <p>8 he could present in good conscience to the Court --</p> <p>9 THE DEFENDANT: He didn't speak to me about</p> <p>10 these things at all.</p> <p>11 THE COURT: Well, it's too late. It's too</p> <p>12 late and I am -- at this point, I'm not going to let</p> <p>13 you represent yourself because it's too obvious to me</p> <p>14 you don't know enough about this proceeding for it to</p> <p>15 go smoothly and it's too obvious to me you're going</p> <p>16 to prejudice yourself.</p> <p>17 THE DEFENDANT: I've already been</p> <p>18 prejudiced.</p> <p>19 THE COURT: We're going to go forward.</p> <p>20 THE DEFENDANT: It's already biased.</p> <p>21 THE COURT: You can complain about that on</p> <p>22 appeal.</p> <p>23 THE DEFENDANT: Appeal. You already found</p>



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<p>13</p> <p>1 me guilty. What do you mean appeal?</p> <p>2 THE COURT: I'm not even deciding this case.</p> <p>3 You have 14 people seated on this jury, sir. You've</p> <p>4 got 14 people seated on this jury. I'm not deciding</p> <p>5 this case. They are. But I can tell you right now,</p> <p>6 if you act like that during the course of this trial,</p> <p>7 they will decide this case.</p> <p>8 That's my advice to you. You'd better</p> <p>9 change your attitude.</p> <p>10 THE DEFENDANT: What attitude is that?</p> <p>11 THE COURT: Oh, okay.</p> <p>12 THE DEFENDANT: I don't have an attitude.</p> <p>13 I'm trying to converse with you in reference to</p> <p>14 understand what it is you're trying to have me</p> <p>15 understand. I'm having difficulties understanding</p> <p>16 why you, you know, you're suppressing me.</p> <p>17 THE COURT: I'm not suppressing anything.</p> <p>18 I'm telling you the rules are those motions are not</p> <p>19 to be heard today. They have not been filed prior to</p> <p>20 trial. There's no way that this Court is going to</p> <p>21 allow you --</p> <p>22 THE DEFENDANT: That's not fair. That's not</p> <p>23 fair.</p>	<p>15</p> <p>1 contempt and leave you in jail until you tell me yes</p> <p>2 or no because we don't have to go forward today with</p> <p>3 this trial. We can wait forever.</p> <p>4 THE DEFENDANT: I'm hearing voices right</p> <p>5 now. I don't understand. I can't understand you.</p> <p>6 I'm hearing voices right now.</p> <p>7 THE COURT: What do you mean you're hearing</p> <p>8 voices?</p> <p>9 THE DEFENDANT: I have a psychological</p> <p>10 condition. I didn't take my medicine today. I'm</p> <p>11 hearing voices. I don't understand what you're</p> <p>12 trying to tell me.</p> <p>13 THE COURT: We're going forward at 2 o'clock</p> <p>14 with the evidence.</p> <p>15 THE DEFENDANT: Okay.</p> <p>16 (Defendant left the courtroom.)</p> <p>17 THE COURT: Mr. Edinger, what is it that he</p> <p>18 wanted you to file?</p> <p>19 I think you should make a record, actually.</p> <p>20 MR. EDINGER: He requested that I file a</p> <p>21 motion to suppress the police officer's -- or the</p> <p>22 identification by the victim in this case as being</p> <p>23 prejudicial.</p>
<p>14</p> <p>1 THE COURT: I'm sorry, that's the law.</p> <p>2 That's the rules of the Court.</p> <p>3 THE DEFENDANT: The law is unfair is what</p> <p>4 you're telling me.</p> <p>5 THE COURT: I don't believe it is, but</p> <p>6 that's the law.</p> <p>7 THE DEFENDANT: So why are you proceeding a</p> <p>8 if it was unfair?</p> <p>9 THE COURT: Well, that's your view, opinion,</p> <p>10 and it's different from everybody else's in this</p> <p>11 room.</p> <p>12 THE DEFENDANT: Yes, it is, because I sat at</p> <p>13 Gander Hill waiting for months and months, presenting</p> <p>14 everything that I presented ahead of time and in due</p> <p>15 advance and advance notice, everything I submitted.</p> <p>16 THE COURT: Sir, sir, we're going forward</p> <p>17 with trial at 2 o'clock. There will be no motions</p> <p>18 presented today. There will be no motions presented</p> <p>19 today. We are going forward with the evidence at</p> <p>20 2 o'clock and I will expect you to conduct yourself</p> <p>21 as if you're in a courtroom and not to interrupt the</p> <p>22 proceedings. Do you understand? Do you understand?</p> <p>23 Do you understand, sir? Or do I have to find you in</p>	<p>16</p> <p>1 I see no basis since he testified at the</p> <p>2 preliminary hearing that he did, in fact, have eye</p> <p>3 contact with the alleged victim.</p> <p>4 THE COURT: Identity's not an issue?</p> <p>5 MR. EDINGER: Identity's not an issue in</p> <p>6 this case and so no motion was filed in this matter.</p> <p>7 THE COURT: And that's understandable.</p> <p>8 MR. EDINGER: And as to meeting him, I not</p> <p>9 only met with him at the two case reviews, but I've</p> <p>10 had three separate prison interviews with him.</p> <p>11 THE COURT: Which is a lot.</p> <p>12 MR. EDINGER: So he's had the opportunity.</p> <p>13 THE COURT: Does he have any mental</p> <p>14 problems?</p> <p>15 MR. EDINGER: Well, your Honor, when he just</p> <p>16 said that, I looked at the file, and, you know,</p> <p>17 obviously, we're not psychiatrists, we can't identify</p> <p>18 if he does have mental problems, but we do ask</p> <p>19 questions, whether he's been treated for any mental</p> <p>20 illness or under any medication.</p> <p>21 From my investigator's report, our initial</p> <p>22 interview report, he did not report that he has any</p> <p>23 history of mental health issues.</p>

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<p>17</p> <p>1 THE COURT: Because he just mentioned that.</p> <p>2 MR. EDINGER: He just mentioned that and</p> <p>3 that's the first I heard that.</p> <p>4 THE COURT: Maybe you ought to pursue that.</p> <p>5 I mean just find out what it is he said he didn't</p> <p>6 take this morning. He was okay and everything was</p> <p>7 fine, he was going to be his own lawyer, and now he's</p> <p>8 hearing voices, so that seemed like he was running</p> <p>9 out of excuses.</p> <p>10 But if identity is not an issue, then the</p> <p>11 motion to suppress should not have been filed, and</p> <p>12 had you filed it, you would have probably not have</p> <p>13 made this Court very happy. so you did your job as an</p> <p>14 attorney under the circumstances.</p> <p>15 Is there anything else he wanted you to</p> <p>16 file?</p> <p>17 MR. EDINGER: Nothing he --</p> <p>18 THE COURT: The grand jury thing, I don't</p> <p>19 know why he wants the names other than --</p> <p>20 MR. EDINGER: He did request the grand jury</p> <p>21 testimony which he was informed he's not entitled to.</p> <p>22 THE COURT: No, that's secret.</p> <p>23 MR. EDINGER: And he requested our office</p>	<p>19</p> <p>1 THE COURT: Mr. Ringer.</p> <p>2 MR. ROBERTSON: I thought he had been</p> <p>3 excused.</p> <p>4 THE COURT: Are you comfortable with me</p> <p>5 letting him go and just sticking with one alternate?</p> <p>6 MR. EDINGER: I'm fine.</p> <p>7 MR. ROBERTSON: I'm fine.</p> <p>8 THE COURT: Are you sure?</p> <p>9 MR. ROBERTSON: Yes.</p> <p>10 THE COURT: Okay, because he's pretty upset</p> <p>11 because he's got his own business. That's not a</p> <p>12 basis for me to excuse someone, but I kind of figured</p> <p>13 since he was not real anxious to be here, one of you</p> <p>14 might have done it for us, but I think I'd be</p> <p>15 inclined -- I don't want jurors who aren't like</p> <p>16 open-minded and have the right attitude, and if he's</p> <p>17 going to be here, it's not going to be good for</p> <p>18 anybody, so will you excuse him and seat Alternate</p> <p>19 Number 1 in his place?</p> <p>20 THE BAILIFF: Yes.</p> <p>21 THE COURT: All right. We'll see you back</p> <p>22 at two.</p> <p>23 MR. ROBERTSON: Thank you.</p>
<p>18</p> <p>1 provide him a transcript of the preliminary hearing.</p> <p>2 I told him that in this case in which he already</p> <p>3 testified, we have the notes of the attorneys during</p> <p>4 that. I did not see the need for our office to --</p> <p>5 because it costs money for these transcripts.</p> <p>6 THE COURT: Sure.</p> <p>7 MR. EDINGER: And we have a limited budget,</p> <p>8 which we have to make certain judgments as to the</p> <p>9 allocation of those resources, and I did not see any</p> <p>10 of the preliminary hearing testimony, which had just</p> <p>11 been the testimony of the police officer, as being</p> <p>12 helpful in this case when it's an issue of what the</p> <p>13 alleged victim says in this case, which would be a</p> <p>14 trial, and I told him I did not see the</p> <p>15 <u>preliminary</u> -- see that the preliminary hearing</p> <p>16 transcript would assist me in cross-examining the</p> <p>17 victim. And I told him we were not going to get a</p> <p>18 preliminary hearing transcript.</p> <p>19 THE COURT: Okay. That's good. Then you've</p> <p>20 made your record.</p> <p>21 One of the jurors was upset because he</p> <p>22 thought he was going to get excused.</p> <p>23 THE CLERK: John Ringer.</p>	<p>20</p> <p>1 (After luncheon recess.)</p> <p>2 MR. EDINGER: Good afternoon, your Honor.</p> <p>3 THE COURT: Mr. Edinger.</p> <p>4 MR. EDINGER: The Court asked me to, at the</p> <p>5 lunchtime, to inquire about Mr. Lewis and whether he</p> <p>6 is taking any medications at this point.</p> <p>7 I contacted the Correctional Medical</p> <p>8 Systems. They required a waiver. I went down to Mr.</p> <p>9 Lewis to get a waiver so I could find out what</p> <p>10 medications. He responded he just did not understand</p> <p>11 the waiver. At this point, I cannot report back to</p> <p>12 the Court whether he is on medications or not.</p> <p>13 THE COURT: All right, we'll proceed then.</p> <p>14 MR. EDINGER: Your Honor, I've just -- my</p> <p>15 only thing, there may be -- he would provide</p> <p>16 that -- they would provide that if I had a Court</p> <p>17 order.</p> <p>18 THE COURT: Well, if he's not willing to</p> <p>19 give you a waiver, then he's not willing for you to</p> <p>20 understand his competence or any other issue</p> <p>21 regarding his psychiatric, psychological or mental</p> <p>22 state and I think we should proceed with the trial.</p> <p>23 MR. EDINGER: I would state he's</p>



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<p>21</p> <p>1 nonresponsive. Not that he wouldn't sign the paper.  2 He said he did not understand.  3 THE COURT: Well, Mr. Lewis, if you wanted  4 the Court to consider your mental competency, you  5 would have had to have signed that waiver and your  6 refusal to do so means we're just going to go forward  7 with the trial.  8 THE DEFENDANT: I don't understand. I don't  9 understand, ma'am. I don't understand.  10 THE COURT: Do you take any medicine?  11 THE DEFENDANT: Yeah.  12 THE COURT: What do you take?  13 THE DEFENDANT: Medicine for the voices.  14 THE COURT: What do you take?  15 THE DEFENDANT: I don't understand -- I  16 don't understand the name of it.  17 THE COURT: The only way that I'm willing to  18 consider that as a problem is if you're willing to  19 sign off so we can find out from the Department of  20 Corrections what it is that has been prescribed.  21 Who prescribed this medicine for the voices?  22 THE DEFENDANT: The doctor.  23 THE COURT: Who?</p>	<p>23</p> <p>1 we're going to go forward.  2 THE DEFENDANT: What's that got to do with  3 this? What's that got to do --  4 THE COURT: Well, as long as you don't  5 think -- you, because you mentioned it, and I thought  6 maybe you wanted the Court to consider you have a  7 mental problem, but as long as you don't consider it  8 to have anything to do with this, we're ready to go  9 forward. We're going to bring the jury in.  10 THE DEFENDANT: I don't understand what you  11 mean.  12 THE COURT: Well, you'll have to talk to Mr.  13 Edinger. He's your attorney. I can't counsel you  14 any further.  15 THE DEFENDANT: Okay.  16 MR. ROBERTSON: Your Honor, before we bring  17 the jury in, there's one matter you may want to  18 reserve in the event the defendant does, in fact,  19 testify. There is an out-of-state record. There are  20 convictions on there that would impact on  21 credibility, specifically a robbery conviction with  22 the date, and the Court -- and we can provide  23 that -- and if the Court would care to deal with the</p>
<p>22</p> <p>1 THE DEFENDANT: The doctor.  2 THE COURT: What doctor? Who?  3 THE DEFENDANT: Doctor at the jail.  4 THE COURT: Doctor at the jail?  5 THE DEFENDANT: Um-hum.  6 THE COURT: What's his name or her name?  7 Well, if you're going to sign a waiver and  8 let us look at what your medical records say, fine.  9 If not, we're proceeding.  10 THE DEFENDANT: I don't understand what you  11 mean, ma'am.  12 THE COURT: Well, I have to find out whether  13 you really are on medication or not. And in order to  14 do that --  15 THE WITNESS: I'm on medication. They give  16 me medication.  17 THE COURT: I'm not going to take your word  18 for it. I want to find out from the prison what it  19 is they're supposed to be giving you and whether or  20 not it's for any psychological or any psychiatric  21 problems, and if there isn't, there's no issue of  22 competence here or issue of your mental state.  23 Now, if you're not willing to sign off, then</p>	<p>24</p> <p>1 question of that admissibility when we cross that  2 bridge, that's fine.  3 THE COURT: I think we'll wait and get  4 started. We've got a jury waiting.  5 THE DEFENDANT: Okay. I'll sign.  6 THE COURT: You'll sign what?  7 THE DEFENDANT: The medicine.  8 THE COURT: All right. Will they be able to  9 give you that information over the telephone?  10 MR. EDINGER: I have somebody over at Gande  11 Hill right now.  12 THE COURT: All right.  13 MR. EDINGER: I will, in fact, have this  14 faxed over right away.  15 THE COURT: All right. Would you let me  16 know when you get it, Mr. Edinger, and I'll take a  17 recess.  18 MR. EDINGER: Yes.  19 (At this time, a recess was taken.)  20 THE COURT: Mr. Edinger.  21 MR. EDINGER: Good afternoon, your Honor.  22 I faxed the release over shortly after I  23 left the courtroom. That was hand delivered by our</p>

EXHIBIT P-7

<p>25</p> <p>1 staff over at Gander Hill to the Prison Medical 2 Services and they're waiting for a response. 3 My understanding, though, is that under the 4 new regulations, it requires certain approvals before 5 they can release that information which normally 6 requires a warden's signature. I'm waiting for a 7 phone call back from our staff regarding that. 8 THE COURT: We're going to go forward and 9 then if for some reason there's a reason for me to 10 declare a mistrial -- at this point. I'm just ready. 11 I think it's best we go forward. We've got a juror 12 that's been inconvenienced all day and you can 13 make -- it may be a nonissue, so I'll go on that 14 basis. 15 All right, will you bring the jury in, 16 please? 17 (THE jury returned to the courtroom.) 18 THE COURT: Good afternoon, ladies and 19 gentlemen. 20 Thank you very much for your patience. 21 Will the clerk please swear the jury? 22 THE CLERK: Yes, your Honor. 23 (Jury duly sworn.)</p>	<p>27</p> <p>1 The defendant has pleaded not guilty to the 2 indictment and he is presumed innocent unless his 3 guilt is proved beyond a reasonable doubt. The 4 prosecution, therefore, has the burden of proving the 5 charges beyond a reasonable doubt. And the purpose 6 of this trial is to determine whether the defendant 7 is guilty or not guilty. 8 You will consider all of the evidence 9 produced during the trial and reach a decision with 10 the help of certain instructions as to the law 11 applicable to this case that I will give to you at 12 the close of the trial. 13 You alone have the responsibility to 14 determine the facts from all of the evidence produced 15 during the trial. 16 You know, to begin the trial, there will be 17 opening statements by the prosecution and the defense 18 attorney. These opening statements are not evidence, 19 but are made to give you some idea as to what the 20 case is about. 21 The prosecuting attorney may make -- will 22 make an opening statement to you concerning the 23 evidence to be produced in support of the charges.</p>
<p>26</p> <p>1 THE COURT: Ladies and gentlemen of the 2 jury, what I will now say to you is intended to serve 3 as an introduction to the trial of this case. It is 4 not a substitute for the detailed instructions on the 5 law which I will give to you at the close of the 6 evidence and before you retire to consider your 7 verdict. 8 The case you are about to try is a criminal 9 case as distinguished from a civil case. It is a 10 case commenced by the State of Delaware, which may 11 sometimes be referred to as the State or the 12 prosecution, against, in this case, Jimmy Lewis, who 13 may be referred to as the defendant or the accused. 14 The defendant is charged in this court by an 15 indictment. In this case, he is charged with one 16 count of carjacking in the second degree, one count 17 of theft, and one count of resisting arrest. 18 The indictment is a mere accusation against 19 the defendant. It is not in itself any evidence of 20 the guilt of the defendant. You should not allow 21 yourselves to be influenced in any way, however 22 slight, by the fact that an indictment has been 23 returned against this defendant.</p>	<p>28</p> <p>1 The defense attorney may make a statement 2 concerning the evidence to be produced or he may 3 reserve the right to do so until the completion of 4 the evidence offered in the prosecution's case. 5 The prosecuting attorney must offer evidence 6 in support of the charges in the indictment. 7 The defense may offer evidence on behalf of 8 the defendant, but is not obliged to do so. 9 If the defendant chooses to offer evidence, 10 the State may then offer evidence in rebuttal of the 11 defense evidence. 12 Remember that the burden is always on the 13 prosecution to prove every element of any offense 14 charged beyond a reasonable doubt. 15 The prosecuting attorney will then deliver a 16 summation of the evidence for you and base an 17 argument for conviction on the evidence. 18 The defense will then deliver a summation of 19 the evidence for you and base an argument for 20 acquittal or other verdict on the evidence. 21 And the prosecuting attorney will then reply 22 to the arguments made by the defense. 23 Now, your purpose as jurors is to find and</p>

1 IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

2 IN AND FOR NEW CASTLE COUNTY

3 STATE OF DELAWARE,

4 v. ID  
5 JIMMY LEWIS, No. 0305016966

7 Defendant.

9 BEFORE: HON. PEGGY L. ABLEMAN, J., AND JURY

14 TRANSCRIPT OF TRIAL TESTIMONY

17 COPY

21 -----  
22 JOHN P. DONNELLY, RPR  
23 SUPERIOR COURT REPORTERS  
500 N. KING STREET WILMINGTON, DELAWARE 19801  
(302) 255-0563

1 October 22, 2003  
2 Courtroom No. 6E  
3 10:30 a.m.

5 BRIAN ROBERTSON, ESQUIRE  
6 DEPARTMENT OF JUSTICE  
7 920 N. French Street  
Wilmington, Delaware 19801  
for State of Delaware

8 JOHN S. EDINGER, ESQUIRE  
9 OFFICE OF THE PUBLIC DEFENDER  
10 920 N. French Street  
Wilmington, Delaware 19801  
for Defendant

1 THE COURT: Ready to proceed?

2 MR. ROBERTSON: Yes, we are, Your Honor.

3 THE COURT: Bring in the jury, please.

4 (Jury enters the courtroom at 10:33 a.m.)

5 THE COURT: Ladies and Gentlemen of the Jury,  
6 good morning. I apologize for the delay. We are short  
7 staffed this morning with correctional officers. I  
8 thank you very much for your patience during the time  
9 that you have been waiting. I need to ask you whether  
10 or not you have discussed any of the evidence or  
11 anything that you heard during the course of this trial  
12 either among yourselves or with anyone else? All  
13 right.

14 MR. ROBERTSON: State calls officer Jose  
15 Santana.

16 JOSE SANTANA,  
17 having been first called by the State was sworn on  
18 oath, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ROBERTSON:

21 Q. Good morning, Officer Santana. Where are you  
22 employed?

23 A. With the Wilmington Police Department.

1 Q. How long have you been employed with  
2 Wilmington PD?

3 A. Going on a year.

4 Q. What are your duties with Wilmington Police?

5 A. Typical patrol duties, I guess, the typical  
6 thing of answering complaints, patrol activity, keeping  
7 crime down in the neighborhoods, things like that.

8 Q. In that capacity have you had occasion to  
9 interact with suspects?

10 A. I have.

11 Q. And in that capacity, have you had occasion to  
12 make arrests of suspects?

13 A. I have.

14 Q. Also participate in investigations?

15 A. I have.

16 Q. How long was your training to become a member  
17 of the Wilmington Police Department?

18 A. Six months.

19 Q. Was that at an academy?

20 A. That was the academy itself. There is still  
21 another six months afterward on the street, which I am  
22 going to be finished with this week.

23 Q. Officer, were you working in that capacity on



5

1 the 26th of May of this year?

2 A. I was.

3 Q. For the record, I should state 2003. What  
4 were your duties at that time?

5 A. We were patrolling, typical patrol functions  
6 that morning.

7 Q. When you say "we," who is we?

8 A. Me and my partner, Officer Godwin.

9 Q. Where were you patrolling?

10 A. We were patrolling the areas of the 4th  
11 street, Hilltop, from 95 to Union Street, between that  
12 area there.

13 Q. Did you receive a 911 call that evening?

14 A. There wasn't -- we were dispatched to a call  
15 at 4th and Jackson.

16 Q. Can you tell us how those calls come in?

17 A. They come in through a dispatcher. They then  
18 choose the vehicle that is closest to it, or District  
19 car to that area. Send them -- dispatch them to the  
20 complaint.

21 Q. What was the call you received on that  
22 morning?

23 A. That morning it was received as a carjacking.

6

1 Q. Do you recall the approximate time that call  
2 came in?

3 A. I believe the call came in earlier. We were  
4 dispatched later. We were on some complaints  
5 ourselves. We were dispatched around two.

6 Q. Where were you dispatched to?

7 A. Fourth and Jackson, to the Amoco station.

8 Q. Did you respond to 4th and Jackson?

9 A. We did.

10 Q. That is located within the City of Wilmington,  
11 New Castle County?

12 A. Correct.

13 Q. What did you upon arriving at 4th and Jackson?

14 A. Upon arrival we located a victim. He was  
15 Patrick Greer, I believe. He was very excited.

16 Q. Where was he when you first arrived at that  
17 location?

18 A. He was at the Amoco station at their window.

19 Q. I think it is safe to say he was backed up  
20 close to the building?

21 A. Correct.

22 Q. Was there anybody else around?

23 A. Some onlookers, but that was about it.

7

1 Q. You said you described his emotional state.

2 How would you describe his emotional state when you  
3 first saw him?

4 A. He was very upset.

5 Q. What made you think that?

6 A. He wouldn't stand still. He moved about. He  
7 moved his hands about. He spoke very, very quickly.  
8 We had to calm him down a little bit.

9 Q. Were you concerned in anyway for your safety  
10 having looked at this person doing this?

11 A. Not with our safety, necessarily. We were  
12 trying to figure out if he was injured at that point.  
13 We were not entirely sure when we first spoke to him.  
14 He made it clear he was not.

15 Q. What did he tell you?

16 A. He told us that he was in the unit block area  
17 of -- look at my notes here. It was the -- sorry.

18 Orange and 4th street, around that area, unit  
19 block, I believe, of Market Street.

20 Q. Market Street?

21 A. In that vicinity there.

22 Q. For the persons who are not familiar with  
23 that?

8

1 A. Unit block goes from one to one hundreds, the  
2 addresses and such.

3 Q. Out of that, what did Mr. Geer tell you?

4 A. He was in that location. He told us that he  
5 was looking for some male companionship at that time.

6 Q. He said this to you?

7 A. He said this to us.

8 Q. Okay.

9 A. He, at that point, he pulled up to a light  
10 there at that location, and the defendant leaped into  
11 the vehicle on his driver's side -- on his passenger's  
12 side.

13 Q. How is he telling you this, what were his  
14 mannerisms or expressions, or tone of his voice?

15 A. He was very excited. His tone was very high.  
16 He was waving his hands around, again, moving about.

17 Q. What else did he say?

18 A. He proceeded to tell us that the defendant  
19 asked him for a ride up the hill. Mr. Geer said that  
20 he would take him up the hill. When they were about  
21 4th and Jackson, Mr. Geer told us that the defendant  
22 started to ask him for money. Mr. Geer offered the  
23 money in his change cup he had in the vehicle. He

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,

vs. NO. 3095016966

JIMMY LEWIS,

Defendant.

WEDNESDAY, FEBRUARY 11, 2004

BEFORE:

APPEARANCES:

DEPARTMENT OF JUSTICE  
BY: BRIAN ROBERTSON, ESQ.,  
FRANCIS FARREN, ESQ.,  
Deputy Attorneys General  
For the State

JOHN S. EDINGER, JR., CLE.  
For Defendant

TRANSCRIPT OF SENTENCING

LYNNE BELL COALE, RMR, CRR  
SUPERIOR COURT REPORTERS  
500 N. KING STREET WILMINGTON, DELAWARE 19801  
(302) 255-0562

23

The sentencing guidelines in this case would recommend a period of incarceration. And I would submit that the time that he's been held on this offense, which is going on close to two years, is a sufficient penalty in this matter, and we're asking the Court to consider sentencing Mr. Lewis to time served.

I don't know if Mr. Lewis wants to address after the State addresses.

MR. ROBERTSON: Your Honor, the State is not seeking to have Mr. Lewis declared a habitual offender pursuant to 4214, but he is an habitual offender. He's got a criminal record as an adult that goes back almost 20 years, spans three states now. It's unique in that it covers a number of different types of crimes. He has offenses for selling drugs, for robbery, for burglary, for assault, and as your Honor probably recalls from the trial your Honor presided over, for carjacking, the present matter. It seems like the only time that he is not, in fact, committing offenses is when he is in custody, although I note, in this case, that's not even true.

He went to the state hospital, as your Honor might recall, last year for an evaluation. The report there summarizes his behavior even at the state hospital while he

2

(Courtroom 6C, 9:30 A.M.)

---

MR. FARREN: Next item will be No. 3, Jimmy Lewis.

MR. ROBERTSON: Your Honor, we may need to approach regarding Mr. Lewis. Your Honor, may we approach? (Unreported sidebar.)

MR. EDINGER: Good morning, your Honor.

THE COURT: Good morning, Mr. Edinger.

MR. EDINGER: I have just a few brief comments.

It's my understanding at this point that the State is not going to pursue the Habitual Offender Motion and, therefore, my comments will just be towards the sentencing.

MR. ROBERTSON: That's correct, your Honor.

MR. EDINGER: The Court presided over the trial, so I don't need to -- I don't believe I need to review the facts of the case. As the Court well knows from the Presentence investigation, Mr. Lewis maintains his innocence at this time.

I would note that he has been in custody since his arrest in 2003, continuous custody; that prior to being incarcerated, he had been employed and had been working.

4

was being evaluated. And I'd note that Page 4 of that report talks about, on June 7 of last year, where Mr. Lewis, angered by not receiving a certain salad at dinner which he believed he was entitled, assaulted a peer and a staff member. That report came out on June 15.

Mr. Lewis was the subject of another report just six days later, only this was a Delaware State Police report when, after a beef over a DMX tape, he broke the jaw of another person who was residing at the Delaware State Hospital at that time -- all this for the prospect that he was diagnosed, not with schizophrenia, not with any other chronic mental illness, but with malingering. That seems to be correct, given his history.

He doesn't have a pronounced mental illness. The offenses that he's committed do not seem to be borne of a addiction of drugs, as we've seen some of the other persons today, or even alcohol. He's characterized as being intelligent, and I think your Honor has actually seen some of the exchanges. He's 38 years old at this point. He's been doing it for the better part of 20 years. He's going to keep doing it if he's out. He does this because he wants to. There's no other compelling reason.

The State submits that it actually merits a

1 Level 5 sentence that would go beyond which is allowed in  
2 this case, but the Court is constrained by the five years  
3 maximum on the carjacking statute. State submits that that  
4 is an appropriate amount for what Mr. Lewis has done, not  
5 only specifically in this case, but looking at his history,  
6 a minimum of five years is necessary to protect the public.

7 THE COURT: Mr. Lewis, do you have anything to  
8 say to the Court before I sentence you?

9 THE DEFENDANT: Yes, ma'am. Before I was  
10 incarcerated, a missing-person ad was put in the paper for  
11 me because of my psychological condition, diagnosed with  
12 manic depression, schizophrenia. The ad read, you know,  
13 seeking help for the public assistance to find me on May --  
14 May 19 of 2003. I was thereafter incarcerated less than a  
15 week later here in Wilmington, Delaware, as I was commuting  
16 to my father's property in North Carolina to receive, you  
17 know, a little more assistance with my commercial driving  
18 career.

19 In the process, I realized that, you know, the  
20 medicines that I have refused in the past, I was -- I really  
21 needed them more than I realized at the time. I have been  
22 incarcerated in the past, and it was more or less due to my  
23 psychological conditions. Since -- since then, since being

1 incarcerated here in Delaware, I've been prescribed  
2 psychotropic medications and been receiving treatment,  
3 treatment courses from mental-health personnel staff and  
4 stuff. And after taking the medicine, I feel like I come up  
5 out of a big cloud, and it's -- there's been a big different  
6 in my whole life.

7 I was making changes in my life already. I was  
8 making dramatic changes in my life: Obtained my high-school  
9 diploma, obtained a Class C license so I can elevate my  
10 social status. You know, it was a big change in things that  
11 I have done ways doing in society.

12 And in regards to me, you know, being a different  
13 person and being a productive law-abiding citizen, I always  
14 had this dilemma that I couldn't deal with on my own without  
15 medications and things of that nature to help me.

16 In the Delaware Psychiatric Center, as -- as  
17 Mr. Brian Robertson has spoke of, it was a situation that I  
18 was -- I was accused of that I didn't -- you know, I didn't  
19 partake in. And in regards to psychological evaluation, it  
20 was -- it was submitted with numerous errors in things that  
21 were said about me that aren't true by me being evaluated on  
22 -- well, being incarcerated on November 17, 2003, when I was  
23 already incarcerated on May 26, you know, so the -- the

1 evaluation was for trial -- for -- was being done for to see  
2 if I can stand trial, but I already stood trial in October.  
3 It's numerous things as far as me being strapped down six,  
4 seven times and being prescribed -- being injected with  
5 psychotropic medicines because of me being delusional and  
6 psychotic. And these are the direct reasons for my -- for  
7 my behavior -- my behavior problems. And since -- since  
8 then, I have received better treatment at the -- better  
9 treatment as far as psychotropic medication treatment, and I  
10 have been able to really focus more clearly. My mind is not  
11 befuddled as it was, and I'm much more clearer.

12 And I would like to have the opportunity to, you  
13 know -- to return to society. I was -- like I said, I had  
14 obtained my CDL license. My whole life had changed and,  
15 more so now than ever, I've been able to really focus clear  
16 on things that I need to do in order to, you know, fulfill  
17 my obligations as a law-abiding citizen in society. But  
18 without the medications, I was unable to do these things,  
19 you know, and I was unable to really, you know, approach  
20 things, and I always found myself in some kind of dilemma or  
21 circumstances like I found myself to be here now. You know,  
22 it's just a lot of things that I would like to do.

23 My parents are being -- are elderly. I'm -- I'm

1 of age. I'm their only child. And I got two daughters,  
2 super honor-roll students, and they need me to -- you know,  
3 to pay their tuition to help them out. I would like to be  
4 able to have the opportunity to return to society. I  
5 believe I'm safe. I don't pose any danger to anyone. I  
6 believe I have a career that I'm -- I can fall back on.

7 My family, my father has 150 acres of land in  
8 North Carolina. My mother is a re -- my mother's a retired  
9 dietician. She's here in Court, you know. I don't think  
10 I'm a bad person. I think that I have some dilemmas that  
11 didn't allow me to be the type of person that I should have  
12 been, more so than anything else. I would like for you to  
13 take that psychological condition into consideration and not  
14 just that I was being reckless or that I commit any crimes  
15 intentionally, because I never really did have the  
16 opportunity to address the conditions that, you know, cause  
17 me to be --

18 THE COURT: When did you go to medical school to  
19 become a psychiatrist, Mr. Lewis?

20 THE DEFENDANT: I didn't, your Honor.

21 THE COURT: So, you've just diagnosed yourself  
22 for the Court --

23 THE DEFENDANT: Well --



~~EXHIBIT R-3~~

9

1 THE COURT: -- contrary to the other report that  
2 was provided to me, or reports from different psychiatrists  
3 who did go to medical school and are trained, and who felt  
4 that you were faking.

5 THE DEFENDANT: Well, I have -- I have -- I have  
6 a medical psychological treatment plan that I have received  
7 while I was in New Jersey that diagnoses me with the  
8 conditions that -- that I'm speaking of, actually, with  
9 medications --

10 THE COURT: I guess it really doesn't matter,  
11 because my feeling about you is that you never taken  
12 responsibility for this crime. You lied in the Court about  
13 what had occurred, and it was very obvious to me and to the  
14 jury, obviously. They wouldn't have come back with a guilty  
15 verdict if they thought you were telling the truth. And  
16 you're still being pretty dangerous, even when you're locked  
17 up.

18 THE DEFENDANT: Your Honor, if it wasn't for the  
19 District Attorney stating that -- "Please tell the jury" --

20 THE COURT: Mr. Lewis, I'm not going to discuss  
21 what occurred at that trial. You were found guilty, and I  
22 think the jury was accurate, because I heard the same  
23 evidence --

10

1 Ma'am, you're not allowed to speak, so don't even  
2 raise your hand, please.

3 I heard the evidence and I heard your ridiculous  
4 story explaining what that evidence was. And I had the same  
5 reaction to your ridiculous story that the 12 members of the  
6 jury did. So, today, you're still not taking responsibility  
7 for what you did in this case. And today, after you've been  
8 sent to the Delaware Psychiatric Center, pretending that you  
9 have some serious problem and terrorizing people there,  
10 sexually suggesting sexual innuendos to some of the female  
11 staff members -- the report that I read does not paint you  
12 in a real good light, Mr. Lewis. So, you think of yourself  
13 far differently than what others think of you. I need you  
14 to understand that. But, today, you have not yet taken  
15 responsibility for this crime, and that's of great concern.  
16 Your lack of remorse is of great concern to this Court.

17 In addition, you have other convictions which  
18 would have made you habitual eligible in Delaware had the  
19 State had an opportunity to prove that today. And I'm  
20 taking that into consideration as well.

21 It's the sentence of the Court, effective  
22 February 11 -- well, effective May 26, 2003, on the  
23 carjacking offense, IN-03060175, you're placed in the

11

1 custody of the Department of Corrections for five years at  
2 Level 5. On the felony theft charge, you're placed in the  
3 custody of the custody of the Department of Corrections for  
4 two years Level 5; suspended after one year for one year at  
5 Level 4 Plummer Center; suspended after six months for six  
6 months at Level 3. And on the resisting-arrest charge,  
7 you're placed in the custody of the Department of  
8 Corrections for one year at Level 5, suspended for one year  
9 at Level 2 probation.

10 You're to complete anger-control management  
11 counseling while incarcerated. You're to participate in any  
12 recommended mental health or substance abuse treatment. And  
13 you are to have no contact with Patrick Gear.

14 MR. EDINGER: Thank you your Honor.

15 MR. ROBERTSON: Thank you, your Honor.

16 THE DEFENDANT: Thank you, your Honor.

17 MR. FARREN: Your Honor, that would complete  
18 your Honor's sentencing calendar this morning.

19 THE COURT: Court stands in recess.

20 (Sentencing concluded.)  
21  
22  
23

12

#### CERTIFICATE OF COURT REPORTER

I, Lynne B. Coale, RMR, CRR, Official Court  
Reporter of the Superior Court, State of Delaware, do hereby  
certify that the foregoing is an accurate transcript of the  
proceedings had, as reported by me, in the Superior Court of  
the State of Delaware, in and for New Castle County, in the  
case herein stated, as the same remains of record in the  
Office of the Prothonotary at Wilmington, Delaware.

WITNESS my hand this 18th day of March, 2005.  
Cert. # 165-PS

  
Lynne Bell Coale, RMR, CRR  
Official Court Reporter

~~EXHIBIT 8-7~~

## IN THE SUPREME COURT OF THE STATE OF DELAWARE

064 , 2005

J. S. EDINGER

JIMMY LEWIS,  
Defendant Below,  
Appellant,  
v.

L. C. MEYERS

STATE OF DELAWARE,  
Plaintiff Below,  
Appellee.

DF \$ 00.00

2005

- 1 Feb 18 Notice of appeal from the sentence imposed on 2/11/05 in the Superior Court in and for New Castle County by Judge Ableman in Cr.A.Nos. IN-03-06-0175, IN-03-06-0176 and IN-03-06-0177 and Cr.ID No. 0305016966, with designation of transcript. (served by hand 2/18/05) (rdd) (afb)
- 2 Feb 18 Directions to court reporter of proceedings below to be transcribed pursuant to Rule 9(e) by appellant. (service shown on court reporter by hand 2/15/05) (rdd).
- 3 Feb 23 Letter dated 2/23/05 from Clerk to Kathleen Feldman the transcript is due to be filed by 3/28/05 (clh).
- 4 Mar 10 Document entitled "Notice of Service RE: Motion to Dismiss Counsel, and for Court to Appoint New Counsel" by Jimmie Lewis. (eas)
- 5 Mar 10 Letter dated 3/10/05 from Senior Court Clerk to John Edinger, Esquire, forwarding Mr. Lewis' document for appropriate disposition. (eas)
- 6 Mar 23 Court reporter's final transcript log entry: Prothonotary received 3/21/05. (eas)
- 7 Mar 23 Record w/ transcript. (eas)
- 8 Mar 23 Brief schedule issued. (opening brief due 4/22/05) (eas)
- 9 Apr 15 Motion under Rule 15(b) by appellant. (served by hand 4/15/05) (rdd)
- 10 Apr 18 Letter dated 4-13-05 from Jimmie Lewis to Court, regarding trial transcripts. (clh)
- 11 Apr 18 Order dated 4/18/05 by Ridgely, J., appellant's opening brief and appendix are due 6/3/05. (eas)
- 12 Apr 19 Letter dated 4-19-05 from Clerk to John S. Edinger,

EXHIBIT S-2

Esquire, forwarding Mr. Lewis' letter for appropriate disposition. (clh)



EXHIBIT T

SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

Page 1

State of Delaware v. JIMMY LEWIS  
 State's Atty: BRIAN J ROBERTSON , Esq.  
 Defense Atty: JOHN S EDINGER , Esq.

DOB: 12/25/1966

Assigned Judge:

## Charges:

Count	DUC#	Crim.Action#	Description	Dispo.	Dispo. Date
001	0305016966	IN03060175	CARJACKING 2ND	TG	10/23/2003
002	0305016966	IN03060176	THEFT \$1000 OR>	TG	10/23/2003
003	0305016966	IN03060177	RESIST ARREST	TG	10/23/2003

No.	Event Date	Event	Judge
1	06/03/2003	CASE ACCEPTED IN SUPERIOR COURT. ARREST DATE: 05/26/2003 PRELIMINARY HEARING DATE: 060203 BAIL: SECURED BAIL-HELD NO CONDITION	12,000.00 100%
2	06/30/2003	INDICTMENT, TRUE BILL FILED.NO 6 SCHEDULED FOR CASE REVIEW AND ARRAIGNMENT 07/28/03 AT 9:00	
3	07/03/2003	ACKNOWLEDGEMENT OF RECEIPT OF DISCOVERY RESPONSE. JOHN EDINGER	
4	07/14/2003	SUMMONS MAILED.	
	07/28/2003	CASE REVIEW & ARRAIGNMENT CALENDAR: SET FOR FINAL CASE REVIEW. DATE: 8/18/03 @ 9:00	COOCH RICHARD R.
6	08/12/2003	DEFENDANT'S LETTER FILED.	
	08/18/2003	FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL_10/21/2003.	GEBELEIN RICHARD S.
5	08/18/2003	ORDER SCHEDULING TRIAL FILED. TRIAL DATE: 10/21/03 CASE CATEGORY: 2 ASSIGNED JUDGE (CATEGORY 1 CASES ONLY): UNLESS THE COURT IS ADVISED WITHIN 2 WEEKS OF THE UNAVAILABILITY OF NECESSARY WITNESSES, THE COURT WILL CONSIDER THE MATTER READY FOR TRIAL. ABSENT EXCEPTIONAL CIRCUMSTANCES, RESCHEDULING OR CONTINUANCE REQUESTS WILL BE DENIED.	
8	08/29/2003		

SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

Page 2

State of Delaware v. JIMMY LEWIS

DOB: 12/25/1966

State's Atty: BRIAN J ROBERTSON , Esq. AKA:

Defense Atty: JOHN S EDINGER , Esq.

No.	Event Date	Event	Judge
		DEFENDANT'S LETTER FILED.	
12	09/30/2003	DEFENDANT'S LETTER FILED.	
7	10/06/2003	SUBPOENA(S) MAILED.	
9	10/07/2003	DEFENDANT'S LETTER FILED.	
13	10/07/2003	STATE'S WITNESS SUBPOENA ISSUED.	
22	10/10/2003	DEFENDANT'S LETTER FILED.	
15	10/14/2003	MOTION FOR DISCOVERY AND MOTION TO SUPPRESS FILED PROSE. REFERELL MEMO (RULE 47) SENT TO P.D. OFFICE TO MR. EDINGER.	
16	10/14/2003	DEFENDANT'S LETTER FILED. TO: J. EDINGER LETTER REFERRED TO COUNSEL	
10	10/15/2003	DEFENDANT'S LETTER FILED.	
11	10/15/2003	DEFENDANT'S LETTER FILED.	
14	10/17/2003	REFERRAL TO COUNSEL MEMORANDUM FILED. ATTACHING LETTER/DOCUMENT FROM DEFENDANT. REFERRED TO DEFENSE COUNSEL AS ATTORNEY OF RECORD. COPY OF DEFENDANT'S LETTER NOT REVIEWED BY THE COURT AND NOT RETAINED WITH THE COURT'S FILE. PLEASE ADVISE YOUR CLIENT THAT FURTHER COMMUNICATIONS REGARDING THIS CASE SHOULD BE DIRECTED TO YOU. J. EDINGER REFERRED BY: S. NAPIER	
18	10/20/2003	STATE'S WITNESS SUBPOENA RETURNED	
17	10/21/2003	TRIAL CALENDAR- WENT TO TRIAL JURY	ABLEMAN PEGGY L.
19	10/21/2003	JURY TRIAL HELD 10/21/03, 10/22/03, AND 10/23/03. JURY SWORN IN 10/21/03 AT 3:10 P.M. 10/22/03 DEFENSE MOTION FOR ACQUITTAL ON ALL 3 COUNTS. MOTION DENIED ON ALL 3 COUNTS. JURY FOUND DEFENDANT GUILTY OF CARJACKING 2ND (0175), THEFT (0176) AND RESISTING ARREST (0177). PSI ORDERED. SENTENCING SCHEDULED FOR 12/5/03 AT 9:30 A.M.	ABLEMAN PEGGY L.

SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

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State of Delaware v. JIMMY LEWIS

DOB: 12/25/1966

State's Atty: BRIAN J ROBERTSON , Esq. AKA:

Defense Atty: JOHN S EDINGER , Esq.

No.	Event Date	Event	Judge
		1 COURT EXHIBIT. GAVE TO EDGAR JOHNSON TO PUT IN VAULT. AG/ROBERTSON - PD/EDINGER - CR/FELDMAN, DONNELLY & MAURER - CC/CARUSO. JUDGE HERLIHY TOOK THE VERDICT FOR JUDGE ABLEMAN	
24	10/21/2003	LETTER FROM: MARGOT R. MILLAR, OFFICE OF DISCIPLINARY COUNSEL TO: DEFENDANT. RE: DISCIPLINARY COMPLAINT AGAINST DEFTS. COURT APPOINTED ATTY. *SEE FULL LETTER IN FILE*	
20	10/23/2003	CHARGE TO THE JURY FILED.	ABLEMAN PEGGY L.
21	10/23/2003	VOIR DIRE QUESTIONS FILED. STATE'S PROPOSED VOIR DIRE.	
23	11/04/2003	LETTER FROM SUPREME COURT TO JIMMY LEWIS RE: THE SUPREME COURT IS IN RECEIPT OF YOUR LETTER DATED OCTOBER 24, 2003. THE SUPREME COURT IS AN APPELLATE COURT WHICH RECEIVES APPEALS AND RELATED DOCUMENTS FILED PURSUANT TO SUPREME COURT RULES. ACCORDING TO THE SUPREME COURT RECORDS, YOU DO NOT HAVE AN APPEAL PENDING AT THIS TIME. BY COPY OF THIS LETTER I AM PROVIDING COPIES OF YOUR LETTER TO YOUR ATTORNEY, AND THE DEPUTY ATTORNEY GENERAL, THE PROTHONOTARY.	
25	11/14/2003	MOTION FOR PSYCHOLOGICAL/PSYCHIATRIC EXAM FILED. BY JOHN S EDINGER JR, ESQ REFERRED TO JUDGE TOLIVER-OFFICE JUDGE SENT UP (11/24/03)	
26	12/01/2003	ORDER: ORDERED THAT JIMMY LEWIS THE DEFENDANT, BE TRANSFERRED TO THE DELAWARE STATE HOSPITAL FOR PSYHIATRIC EVALUATION FOR THE PURPOSE OF DETERMINING COMPETENCY, AND TO OBTAIN TREATMENT FOR HIS OWN WELL-BEING AS SOON AS DELAWARE STATE HOSPITAL NOTIFIES GANDER HILL OF AN AVAILABLE OPENING, JIMMY LEWIS IS TO BE TRANSPORTED AND EVALUATED.	TOLIVER CHARLES H. IV
27	12/03/2003	MOTION FOR TRANSCRIPT FILED PROSE. REFERRED TO JUDGE ABLEMAN. * NOTE FROM CHAMBERS-JUDGE REVIEWED BOTH LETTERS 12/22/03 NO ACTION NEEDED. AMH	
28	12/16/2003	DEFENDANT'S LETTER FILED.	
29	01/13/2004	DEFENDANT'S LETTER FILED.	
30	03/01/2004	LETTER FROM: JOHN S. EDINGER, ESQ.	TO: JUDGE ABLEMAN



SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

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State of Delaware v. JIMMY LEWIS  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA:  
 Defense Atty: JOHN S EDINGER , Esq. DOB: 12/25/1966

No.	Event Date	Event	Judge
		RE: ON 12/01/03, THE COURT ORDERED THAT THE DEFENDANT BE TRANSFERRED TO THE DELAWARE STATE HOSPITAL FOR PSYCHIATRIC EVALUATION. TO DATE, HE HAS NOT BEEN TRANSPORTED FOR AN EVALUATION. (LETTER AND FILE REFERRED TO JUDGE ABLEMAN 03/01/04)	
31	03/11/2004	MOTION FOR JUDGMENT OF ACQUITTAL FILED PROSE. REFERRED TO JUDGE ABLEMAN	
32	03/23/2004	LETTER/ORDER ISSUED BY JUDGE: ABLEMAN RE: THE COURT HAS CONSIDERED YOUR PRO SE MOTION FOR JUDGEMENT OF ACQUITTAL. NORMALLY, THE COURT WILL NOT CONSIDER ANY PLEADINGS THAT YOU FILE PRO SE SINCE YOU ARE REPRESENTED BY COUNSEL, JOHN EDINGER. YOU SHOULD CONSULT WITH HIM FOR THE FILING OF ANY MOTIONS OR PLEADINGS IN THIS CASE, YOUR MOTION FOR JUDGEMENT OF ACQUITTAL IS UNTIMELY AND IS THEREFORE HEREBY DENIED. IT IS SO ORDERED JUDGE ABLEMAN.	ABLEMAN PEGGY L.
33	04/19/2004	PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE) REFERRED TO JUDGE CARPENTER. DATE REFERRED: 4/21/04 CIVIL CASE NO: 04M-04-054	
34	04/26/2004	LETTER/ORDER ISSUED BY JUDGE CARPENTER. RE: HABEAS CORPUS PETITION 04M-04-054 IS DENIED. YOUR REQUEST FOR HABEAS CORPUS RELIEF HAS BEEN FORWARDED TO ME FOR A DECISION. A REVIEW OF THE DOCKET IN THIS MATTER CLEARLY INDICATES THAT YOU WERE CONVICTED ON OCTOBER 21, 2003 ON THE CHARGES OF CARJACKING SECOND DEGREE, THEFT, AND RESISTING ARREST AND THE TRIAL WAS PRESIDED OVER BY JUDGE ABLEMAN. IN NOVEMBER, 2003, YOUR COUNSEL, MR. EDINGER, FILED A MOTION FOR A PSYCHIATRIC EXAMINATION WHICH WAS APPROVED BY JUDGE TOLIVER ON DECEMBER 1, 2003. WHILE I APPRECIATE THAT YOU ARE UPSET REGARDING THE DELAY THAT HAS OCCURED WITH REGARD TO THIS EVALUATION, IT DOES NOT PROVIDE YOU WITH A BASIS FOR HABEAS CORPUS RELIEF. SINCE IT IS CLEAR BASED UPON THE ABOVE THAT YOU ARE PRESENTLY BEING HELD CONSISTENT WITH YOUR CONVICTION ON THE ABOVE CHARGES AND YOUR FAILURE TO POST APPROPRIATE BAIL, YOUR REQUEST IS HEREBY DENIED. I WILL FORWARD A COPY OF THIS LETTER TO JUDGE ABLEMAN AND JUDGE TOLIVER SO THAT THEY MAY BE AWARE OF THE DELAY THAT IS OCCURRING. WCC	CARPENTER WILLIAM C. JR.
35	04/26/2004	NOTICE OF SERVICE RE: COPY OF GROUNDS FOR APPEAL	
36	05/07/2004	DEFENDANT'S LETTER FILED.	

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( as of 02/08/2005 )

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State of Delaware v. JIMMY LEWIS

DOB: 12/25/1966

State's Atty: BRIAN J ROBERTSON , Esq. AKA:

Defense Atty: JOHN S EDINGER , Esq.

No.	Event Date	Event	Judge
37	05/13/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: DONALD NAPOLIN, MENTAL HEALTH SUPERVISOR AND ORDER REQUESTING DEFENDANT BE TRANSFERED TO MITCHELL BUILDING GRANTED BY JUDGE TOLIVER ON 5-13-04	
38	05/14/2004	DEFENDANT'S LETTER FILED. LETTER REGARDING NAMES AND PLACE EMPLOYMENT OF BAILIFF'S WHO PROVIDED COURT ON 10/21 10/23 FOR A WRIT OF MANDAMUS TO BE FILED. *SEE FULL LETTER IN FILE.	
40	06/16/2004	LETTER FROM DIANNE STACHOWSKI TO JUDGE TOLIVER, REQUESTING DEFT BE TRANSFERED BACK TO DOC.	
39	06/28/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: SYLVIA FOSTER MD COPY SENT TO ATTORNEY AND JUDGE TOLIVER	
41	06/29/2004	LETTER FROM DIANNE STACHOWSKI TO JUDGE TOLIVER REQUESTING DEFENDANT BE TRANSFERRED BACK TO DOC.	
42	07/06/2004	LETTER FROM COMMISSIONER WHITE TO COUNSEL GIVING THEM 10 DAYS TO REQUEST A COMPETENCY HEARING AND INFORMING OF THE SENTENCING DATE OF 8-27-04 AT 9:30 WITH JUDGE TOLIVER.	
43	07/19/2004	MOTION TO DECLARE DEFENDANT AN HABITUAL OFFENDER FILED. BY BRIAN J ROBERTSON,DAG MOTION PUT IN FILE TO BE HEARD AT SENTENCING	
44	07/26/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. COPY RECEIVED FROM DEFENDANT LEWIS SEALED BY ORDER OF SUPERIOR COURT	
45	08/02/2004	CONTINUANCE REQUEST FILED BY J EDINGER - GRANTED PER JUDGE ABLEMAN (SENTENCING)	
46	08/09/2004	MOTION TO DISMISS COUNSEL FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
47	08/17/2004	MOTION FOR COMPETENCY HEARING FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
48	08/17/2004	MOTION FOR DISCOVERY FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
49	08/20/2004		ABLEMAN PEGGY L.

SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

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State of Delaware v. JIMMY LEWIS  
 State's Atty: BRIAN J ROBERTSON , Esq.  
 Defense Atty: JOHN S EDINGER , Esq.

AKA:

DOB: 12/25/1966

No.	Event Date	Event	Judge
		LETTER FROM JUDGE ABLEMAN TO JOHN EDINGER, ESQ. RE: STATE V. JIMMIE LEWIS ENCLOSED PLEASE FIND CORRESPONDENCE RECEIVED BY THE COURT FROM THE ABOVE DEFENDANT WHOM YOU REPRESENT. IT IS REFERRED TO YOU FOR SUCH ACTION AS YOU DEEM APPROPRIATE. SUPERIOR COURT RULE 47 PROVIDES IN PERTINENT PART, "THE COURT WILL NOT CONSIDER PRO SE APPLICATIONS BY DEFENDANTS WHO ARE REPRESENTED BY COUNSEL". PLEASE NOTIFY YOUR CLIENT THAT FURTHER CORRESPONDENCE OR MOTIONS SHOULD BE MAILED DIRECTLY TO YOUR OFFICE FOR APPROPRIATE ACTION. THANK YOU.	
50	08/20/2004	LETTER FROM JUDGE ABLEMAN TO JIMMIE LEWIS RE: STATE V. JIMMIE LEWIS I HAVE YOUR MOTION FOR APPOINTMENT OF NEW COUNSEL. THE MOTION IS DENIED. I HAVE REFERRED YOUR MOTION FOR COMPETENCY HEARING TO MR. EDINGER AS SUPERIOR COURT CRIMINAL RULE 47 DOES NOT PERMIT YOU TO FILE PRO SE APPLICATIONS WHEN YOU ARE REPRESENTED BY COUNSEL.	ABLEMAN PEGGY L.
51	08/31/2004	DEFENDANT'S LETTER FILED. TO: JUDGE ABLEMAN REGARDING PRESENTENCE REPORT.	
52	09/07/2004	MOTION FOR NEW TRIAL FILED PRO SE. REFERRED TO COUNSEL	
	09/08/2004	MOTION FOR NEW TRIAL	
53	09/08/2004	REFERRAL TO COUNSEL MEMORANDUM FILED. ATTACHING LETTER/DOCUMENT FROM DEFENDANT. REFERRED TO DEFENSE COUNSEL AS ATTORNEY OF RECORD. COPY OF DEFENDANT'S LETTER NOT REVIEWED BY THE COURT AND NOT RETAINED WITH THE COURT'S FILE. PLEASE ADVISE YOUR CLIENT THAT FURTHER COMMUNICATIONS REGARDING THIS CASE SHOULD BE DIRECTED TO YOU. J. EDINGER REFERRED BY: S. NAPIER	
54	09/21/2004	MOTION TO DECLARE THE DEFENDANT NOT GUILTY BY REASON OF INSANITY FILED PROSE. REFERRED TO COUNSEL OF RECORD.	
55	09/29/2004	REFERRAL TO COUNSEL MEMORANDUM FILED. ATTACHING LETTER/DOCUMENT FROM DEFENDANT. REFERRED TO DEFENSE COUNSEL AS ATTORNEY OF RECORD. COPY OF DEFENDANT'S LETTER NOT REVIEWED BY THE COURT AND NOT RETAINED WITH THE COURT'S FILE. PLEASE ADVISE YOUR CLIENT THAT FURTHER COMMUNICATIONS REGARDING THIS CASE SHOULD BE	



SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA:  
 Defense Atty: JOHN S EDINGER , Esq.

No.	Event Date	Event	Judge
		DIRECTED TO YOU. JOHN EDINGER REFERRED BY: S. NAPIER	
56	10/08/2004	DEFENDANT'S REQUEST FILED. REQUEST TO HAVE DOCKET ENTRY #54 CORRECTED. ERROR CORRECTED 10/12/04. NOTICE OF REQUESTED CORRECTION SENT TO DEFENDANT.	
57	10/19/2004	NOTICES OF SERVICE (SEVERAL SEE FILE) REQUEST FOR A FULL AND FAIR EVIDENTIARY HEARING TO DETERMINE MATERIAL FACTS TO ALLEDGED DENIALS OF CONSTITUTIONAL RIGHTS.	
59	10/29/2004	NOTICE OF SERVICE	
58	11/02/2004	NOTICE OF SERVICES	
60	11/03/2004	NOTICE OF SERVICES	
61	11/09/2004	NOTICE OF SERVICES.	
62	11/15/2004	NOTICE OF SERVICE APPLICATION FOR CERTIFICATION TO THE SUPREME COURT OF DELAWARE	
63	11/16/2004	NOTICE OF SERVICE DOCUMENTS THE DEFENDANT WANTS THE COURT TO REVIEW.	
64	11/17/2004	NOTICE OF SERVICE	
66	11/19/2004	NOTICE OF SERVICE DOCKET ENTRIES (RULE 55)	
65	11/29/2004	PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE) REFERRED TO JUDGE ABLEMAN, THEN TO JUDGE TOLIVER. DATE REFERRED: 11/30/04 CIVIL CASE NO: 04M-11-098	
67	12/03/2004	NOTICE OF SERVICE AS OF TO DATE THE DEFENDANT HAS NOT REVIEWED THE PRE-SENTENCE REPORT AS IT IS REQUIRED BY SUPERIOR COURT CRIMINAL RULE 32(C) (3)	
68	12/10/2004	DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL. RE: NOTICE OF APPEAL FROM INTERLOCUTORY ORDER.	
69	12/21/2004		

SUPERIOR COURT CRIMINAL DOCKET  
( as of 02/08/2005 )

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State of Delaware v. JIMMY LEWIS  
 State's Atty: BRIAN J ROBERTSON , Esq.  
 Defense Atty: JOHN S EDINGER , Esq.

AKA:

DOB: 12/25/1966

No.	Event Date	Event	Judge
		DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL. DIRECTIONS TO COURT REPORTER OF PROCEEDURES BELOW TO BE TRANSCRIBED PURSUANT TO RULE 9 (E)	
70	12/27/2004	LETTER/ORDER ISSUED BY JUDGE TOLIVER. RE: HABEAS PETITION 04M-11-098. I HAVE NOW HAD THE OPPORTUNITY TO REVIEW YOUR PETITION SEEKING THE ISSUANCE OF A WRIT OF HABEAS CORPUS WHICH WAS FILED WITH THE PROTHONOTARY ON NOVEMBER 29, 2004. IT IS UPON THAT REVIEW THAT I MUST DECLINE THE RELIEF YOU SEEK. MORE SPECIFICALLY, YOUR PETITION SEEMS TO COMPLAIN THAT YOU WERE NOT RETURNED FROM THE DELAWARE PSYCHIATRIC CENTER TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION AS REQUESTED BY MS. STACHOWSKI'S CORRECTPONENCE. ON JUNE 29, THAT DOCUMENT WAS FILED WITH THE PROTHONOTARY. PLEASE REFER TO THE COPY OF THE ENCLOSED DOCKET, ENTRY NUMBER 41. IT APPEARS THAT YOUR PETITION DOES NOT CONTAIN ANY OTHER BASIS FOR RELIEF. ACCORDINGLY, YOUR PETITION MUST BE DENIED, AS IT DOES NOT STATE A CLAIM UPON WHICH SUCH A WRIT MAY BE ISSUED. IT IS SO ORDERED. CHT	TOLIVER CHARLES H. IV
71	01/06/2005	PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE) REFERRED TO JUDGE TOLIVER. DATE REFERRED: 1/10/05 CIVIL CASE NO: 05M-01-033	

\*\*\* END OF DOCKET LISTING AS OF 02/08/2005 \*\*\*  
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